

REMARKS

A Restriction/Election Requirement has been received asserting that restriction is required under 35 U.S.C. §121 to one of the following groups of claims:

- I. Claims 1-10, drawn to a photomultiplier tube, classified in class 313, subclass 532.
- II. Claims 11-23, drawn to a photoelectron emitting device, classified in class 313, subclass 103R.
- III. Claims 24-37 drawn to a method, classified in class 427, subclass 58.

Claims 11-23 of Group II are elected with traverse. It is respectfully submitted that at least claims 1-10 of Group I could be examined together with claims 11-23 of Group II without imposing an undue burden. As stated in § 803 of the Manual of Patent Examining Procedure, "[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits even though it includes claims to distinct or independent inventions." Under this standard, it is believed the search of Groups I and II jointly would not impose a serious burden as evidenced by their similar classification.

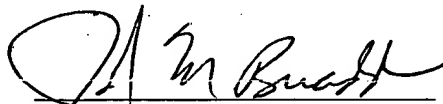
With respect to the restriction of Group III, the action lacks a proper basis for issuing the restriction. The action relies on the recitation of certain methods in one of the dependent claims (claim 25) as providing the reason to restrict the entire group for purposes of examination. However, whether or not the product as claimed (in Groups I or II) can be made by a process different than those recited in dependent claim 25 is not the test for restricting the independent claim 24 upon which claim 25 depends. Likewise, it is not seen how the recitation of certain processes in claim 25 provides a proper basis for restricting the remaining independent claims 28, 34, 35 or 36 of Group III. Furthermore, it is respectfully submitted that claims 24-37 of Group III could also be examined together with claims 11-23 of Group II without imposing an undue

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burden on the Examiner. Accordingly, withdrawal of the restriction requirements is respectfully requested.

Claims 11-23 of Group II are hereby elected with traverse in accordance with 37 C.F.R. §1.143. Claim 38 has been added and depends from claim 12. Accordingly, it is respectfully suggested that claim 38 can properly be examined with the claims in Group II. Reconsideration of the present application in view of the foregoing is respectfully requested.

Respectfully submitted:



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